

MITIGATION MONITORING AND REPORTING PROGRAM

Catalina II Residential Development Project

CITY OF SANTA CLARA

May 2019

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration (IS/MND) concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the IS/MND concluded that the impacts from implementation of the project would be less-than-significant.

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Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
AIR QUALITY				
Impact AIR-1: The project would result in significant construction air pollutant emissions without the implementation of Bay Area Air Quality Management District (BAAQMD)'s standard construction Best Management Practices (BMPs).	MM AIR-1.1: During any construction period ground disturbance, the project contractor shall implement the following BMPs: <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of 	During construction	Project applicant and contractors	Community Development Director

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	<p>Regulations [CCR]) Clear signage shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the construction firm regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 			
<p>Impact AIR-2: The construction of the proposed project would result in a significant health risk impact to nearby sensitive receptors.</p>	<p>MM AIR-2.1: The project shall select construction equipment in one of the following methods to further reduce on-site diesel particulate matter (DPM):</p> <ul style="list-style-type: none"> • All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent and shall include the use of equipment that includes California Air Resource Board-certified Level 3 Diesel Particulate Filters or equivalent; • All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days 	<p>During construction</p>	<p>Project applicant and contractors</p>	<p>Community Development Director</p>

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	<p>continuously shall meet U.S. EPA Tier 3 interim standards with Level 3 Diesel particulate Filters or equivalent; or</p> <ul style="list-style-type: none"> • Use of alternatively-fueled equipment (i.e., non-diesel). 			
BIOLOGICAL RESOURCES				
<p>Impact BIO-1: Project construction could impact nesting birds on or adjacent to the site, if present.</p>	<p>MM BIO-1: Construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.</p> <p>If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August).</p> <p>During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected</p>	Prior to issuance of demolition or grading permits	Project applicant and contractors	Community Development Director, CDFW

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	by the MBTA or Fish and Game code shall not be disturbed during project construction.			
CULTURAL RESOURCES				
Impact CUL-1: Unknown buried archaeological resources could be impacted during project construction.	<p>MM CUL-1.1: In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Community Development Director will be notified, and a qualified archeologist shall examine the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete.</p> <p>MM CUL-1.2: In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.</p> <p>The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner</p>	During all phases of ground-disturbing activities	Project applicant and contractors	Community Development Director, NAHC (for human remains)

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	or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.			
Hazards and Hazardous Materials				
Impact HAZ-1: Construction workers, future occupants, and the surrounding environment could be exposed to contaminated soils from lead (from the historical agricultural use), and total petroleum hydrocarbons as gasoline (TPHg), benzene, and ethylbenzene (from the former underground storage tanks [USTs]) on-site.	<p>MM HAZ-1.1: The project shall implement a soil removal work plan to remove lead-contaminated soils on-site. The soil excavation shall be made 10 feet by 10 feet wide from the center of each soil sample location where elevated levels of lead-contaminated soils was found and extend to 2.5 feet below ground surface.</p> <p>MM HAZ-1.2: A soil removal work plan was prepared for the proposed project to remove contaminated soils from the former UST on-site. The soil removal work plan proposes to excavate soils up to 20 feet to remove on-site soils with elevated levels of TPHg, benzene and ethylbenzene in the UST pit backfill, and pump any groundwater encountered during the excavation. The soil removal work plan includes protocols to be followed during over-excavation of the former UST pit backfill, including worker training, construction best management practices, excavation dewatering (if needed), and soil management protocol for handling of the contaminated soil and groundwater. Any on-site soil excavated from the UST pit backfill planned to be reused shall meet residential use criteria and be approved by Santa Clara County Department of Environmental Health (SCCDEH) prior to use. Imported soil used shall provide documentation regarding the source and quality of imported soil.</p>	Prior to issuance of grading permits	Project applicant and contractors	SCCDEH with copies of all documentation provided to SCFD

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	MM HAZ-1.3: All soil removal completion reports summarizing the soil removal activities, analytical result of verification sampling, and disposal documentation shall be prepared and submitted to SCCDEH for review and approval, with copies of all documentation provided to Santa Clara Fire Department (SCFD).			
NOISE				
Impact NOI-1: Nearby buildings, including the adjacent Catalina I Residential development currently under construction to the eastern boundary of the project site, could be exposed to construction related vibration in excess of the state limit of 0.3 in/sec Peak Particle Velocity (PPV) for buildings where structural damage is not a concern.	<p>MM NOI-1.1: Prohibit the use of heavy vibration-generating construction equipment, such as vibratory rollers or excavation using clam shell or chisel drops, within 20 feet of any adjacent building.</p> <p>MM NOI-1.2: Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.</p>	During construction	Project applicant and contractors	Community Development Director
Impact NOI-2: Construction of the project would result in a substantial	<p>MM NOI-2.1: The project shall implement the following construction best management practices:</p> <ul style="list-style-type: none"> Construction activities shall be conducted in accordance with the provisions of the City's General Plan and City Code, which limits 	During construction	Project applicant and contractors	Community Development Director

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temporary increase in ambient noise levels at adjacent land uses.	<p>temporary construction work between the hours of 7:00 AM and 6:00 PM Monday through Friday and between 8:00 AM to 5:00 PM on Saturdays. Construction is prohibited on Sundays and all City-observed holidays.</p> <ul style="list-style-type: none"> • Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a five A-weighted decibel (dBA) noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. • Unnecessary idling of internal combustion engines shall be strictly prohibited. • Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. Any enclosure openings or venting shall face away from sensitive receptors. • Construction staging areas shall be established at locations that shall create the greatest distance between the construction-related 			

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	<p>noise sources and noise-sensitive receptors nearest the project site during all project construction.</p> <ul style="list-style-type: none"> • Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. • Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. • The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with nearby residential land uses so that construction activities can be scheduled to minimize noise disturbance. • Businesses, residences, and other noise-sensitive land uses adjacent to the construction site shall be notified of the construction schedule in writing. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site. 			

In addition to mitigation measures listed above, there are also conditions of approval the project shall implement, including the following:

PROJECT CONDITIONS OF APPROVAL CATALINA II RESIDENTIAL DEVELOPMENT PROJECT			
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HAZARDS AND HAZARDOUS MATERIALS			
<p>The project is required to conform to the following regulatory programs and to implement the following measures to reduce hazards due to the presence of Asbestos containing materials (ACMs) and/or lead-based paint (LBP):</p> <ul style="list-style-type: none"> • In conformance with state and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or LBP. • Prior to demolition activities, all building materials containing LBP shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed. • All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to any building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with California Occupational Safety and Health Administration (Cal/OSHA) standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos. • A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above. 	<p>Prior to issuance of demolition permits and during construction</p>	<p>Project applicant and contractors</p>	<p>SCFD</p>

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<ul style="list-style-type: none"> Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements. 			
<p>As a condition of approval, the project shall implement the following safeguard to prevent hazards from soil vapor to future residents.</p> <ul style="list-style-type: none"> Additional soil vapor sampling shall be completed after removal of contaminated soils on-site in the former UST area. If soil vapor contains elevated levels of contaminants, appropriate vapor intrusion measures shall be incorporated into the proposed project and approved by an appropriate regulatory agency (i.e., SCCDEH, or Regional Water Quality Control Board [RWQCB]) 	Prior to issuance of grading permits	Project applicant and contractors	SCCDEH, or RWQCB, with copies of all documentation provided to SCFD
NOISE			
<p>As conditions of approval, the following noise insulation features shall be incorporated into the proposed project to reduce interior noise levels to 45 dBA Community Noise Equivalent Level (CNEL) or less:</p> <ul style="list-style-type: none"> Provide a suitable form of forced-air mechanical ventilation, as determined by the City's building official, so that windows can be kept closed to control noise. A qualified specialist shall prepare a detailed analysis of interior residential noise levels resulting from all exterior sources during the design phase pursuant to requirements set forth in the State Building Code. The study shall review the final site plan, building elevations, and floor plans prior to construction and recommend building treatments to reduce residential interior noise levels to 45 dBA CNEL or lower. Treatments would include, but are not limited to, Sound Transmission Class (STC) sound-rated windows and doors, sound-rated all and window constructions, acoustical caulking, protected ventilation openings, etc. The specific determination of what noise insulation treatments 	Prior to issuance of demolition or grading permits	Project applicant and contractors during all phases of construction	Community Development Director

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are necessary shall be conducted on a unit-by-unit basis during final design of the project. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans and approved design, prior to issuance of a building permit.			
<p>As a condition of approval, the project shall implement the following measure to reduce stationary noise sources at or below 55 dBA daytime noise limit and 50 dBA nighttime noise limit at the adjacent residential property line:</p> <p>On-site mechanical equipment shall be selected and designed to reduce impacts to off-site uses to meet the City's daytime and nighttime noise limits. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary, if any, to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures or parapet walls to block the line-of-sight between the noise source and the nearest receptors.</p>	Prior to issuance of demolition or grading permits	Project applicant and contractors during all phases of construction	Community Development Director
PUBLIC SERVICES & RECREATION			
Pay the City's fee in-lieu of parkland dedication	Prior to issuance of building permit	Project applicant	Community Development Director
Transportation/Traffic			
As required by the City's Climate Action Plan, the project shall develop and implement a Vehicle Miles Traveled (VMT) Reduction Plan. The VMT Reduction Plan shall achieve a 20 percent reduction in project VMT, half of which (a 10 percent reduction) shall be achieved with Transportation Demand Management (TDM) measures. The VMT reductions may be achieved through project design characteristics, land use, parking, access, and TDM best practices (e.g., unbundled parking, on-site bicycle parking, parking for car-sharing vehicles, and Eco Passes for	Prior to issuance of building permit for developing the Plan, and annual	Project applicant	Community Development Director, and Public Works Principal

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residents). The project is subject to annual VMT reduction reporting requirements, per the Climate Action Plan.	reporting for implementation of the Plan.		Transportation Planner

SOURCE: City of Santa Clara. *Catalina II Residential Project Initial Study*. March 2019.